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10/032,326	12/31/2001	Yukio Sawajiri	SAWAJIRI=2	4583
1444	7590	10/04/2006	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 10/04/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/032,326  
Filing Date: December 31, 2001  
Appellant(s): SAWAJIRI ET AL.

**MAILED**

OCT 04 2006

**GROUP 3600**

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Norman Latker  
For Appellant

### **EXAMINER'S ANSWER**

This is in response to the appeal brief filed on August 30, 2006 appealing from the Office action mailed October 28, 2005.

#### **(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

#### **(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

#### **(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

#### **(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

#### **(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

#### **(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(8) Evidence Relied Upon**

6,155,618	Ichinose	12-2000
6,042,160	Hamada	3-2000
GB2336178	Mark	10-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-10 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,155,618 to Ichinose in view of GB Pat No 2,336,178 to Mark and further in view of US Pat No 6,042,160 to Hamada et al (Hamada).

Regarding claims 1 and 2, Ichinose discloses a striker comprising a longitudinal plate metal base (4) fixed to a vehicle body and defining a longitudinal axis and an U-shaped metal engaging member (5).

The engaging member includes a first leg part (5A), a second leg part (5B), parallel to the first leg part, and a front connecting part (5C), which connects a front end of the first leg part with a front end of the second leg part. The leg parts define longitudinal lengths and the front connecting part defines a longitudinal axis.

The longitudinal axis of the front connecting part is perpendicular to the longitudinal axis of the metal base. The longitudinal lengths of the leg parts are perpendicular to the plane of the metal base.

Each leg part has a rear end which projects on a rear side of the base through a mounting hole on the base (Figures 6 and 7). Front and rear caulking flange have a larger diameter than the diameter of the mounting hole so as to engage a front and a rear side of the base respectively (Figures 6 and 7).

The first leg part has, at a front side portion, a latch engaging part, which is engageable with a latch on the vehicle door latch device (10).

However, Ichinose fails to disclose that at the rear side portion of the front leg part, the leg part has a reinforcing large diameter part that has a larger diameter than the one defined at the latch engaging part and that the latch has a recess that engage the latch engaging part.

Mark teaches that it is well known in the art to have a striker (10) that has first and second legs parts, wherein the leg parts (18 and 20), at the rear side portion, defines a reinforcing large diameter part (Figures 1 and 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a reinforcing large diameter part, as taught by Mark, into a device as described by Ichinose, in order to give more strength to the striker and to increase the durability of the striker.

As to the fact that the latch has a recess that engages the latch engaging part of the first leg part, Ichinose discloses the connection between a latch and the striker.

Ichinose does not illustrate or discloses that the latch has a recess that engages the first leg. Although it is obvious that the latch (10) presented by Ichinose has a recess that receive the leg part of the striker, Hamada is provided to confirm and to teach that it is well known in the art to have a latch member (14) that has a recess that engages a leg part of a striker. Therefore, it is obvious to have a latch with a recess that engages a striker leg part.

As to claim 3, Ichinose illustrates that the latch engaging part has the same diameter as the front connecting part.

As to claim 4, Ichinose, as modified by Mark, discloses that between the reinforcing large diameter part and the latch engaging part is disposed a tapered part.

As to claims 5,7 and 8, Ichinose, as modified by Mark, illustrates that the length of the reinforced large diameter part is 25% or more of the length of the first leg part.

As to claim 6, Ichinose, as modified by Mark, illustrates that the latch engaging part has the same diameter as the front connecting part and that between the reinforcing large diameter part and the latch engaging part is disposed a tapered part.

As to claims 9 and 10, Ichinose, as modified by Mark, discloses that the reinforced large diameter part has a length of twice or more the length of the rear caulking flange, in the longitudinal direction of the first leg part.

### **(10) Response to Argument**

The applicant argues that the resulting structure suggested by the combination of Ichinose, as modified by Mark and Hamada, would not be equivalent to the one claimed (Page 9 Line 16).

One of the arguments is that Hamada does not teach a latch that would engage the front side portion of the first leg above the rear side portion having the large diameter (Page 9 Line 21) and that neither Ichinose nor Mark also disclose a latch that engages a front side portion of a first leg part (Page 10 Line 4).

The present invention claimed by the applicant requires that the latch 18 have a recess 19 that receives a latch engaging part or front side portion 32 of the first leg part 15 (Page 4 Lines 8-13).

Attachment #1 is a zoom view of Figure 7 of Ichinose. As seen in the attachment, Ichinose discloses a striker (5) that is connected to a latch (10). The striker has first and second leg parts (5a and 5b respectively). As seen in the figure, the latch (10) receives a latch engaging part or front side portion of the first leg part (5).

Ichinose only fails to positively disclose the latch recess. In order to demonstrate that this feature is well known in the art, the examiner relies on Hamada. As shown in Attachment #2, a zoom view of figure 11 of Hamada reference, Hamada clearly teach that it is well known in the art to have the recess of the latch engaging a front part side of the leg part.

The applicant further argues that it would not be obvious to provide Ichinose with a reinforcing large diameter part in light of Mark, because Mark striker is dramatically

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different from that of Ichinose that the skilled artisan would not address for modification of conventional striker such as that of Ichinose (Page 10 Line 23).

Further the applicant states that Mark fails to disclose that the first and second leg parts of Mark are not shown or taught to have the same shape as claimed by Appellant; the first and second leg parts of Mark are not shown or taught to be perpendicular to the plane of its metal base; the latch engages bolt engaging portion 22 and not either limb 18 or 20 as taught by both Ichinose and Hamada; and limbs 18 and 20 of Mark are bent in relation to base 12 and there is nothing whatever in the language of Mark which teaches or suggests otherwise. While the Mark limbs could be made parallel and straight as indicated in Mark, they still would be set at an angle to base 12 as shown in the drawings (Page 11 Line14).

First, Mark reference is only used to show that it is well known in the art of striker to provide a striker member (10) that has first and second legs parts, wherein the leg parts (18 and 20), at the rear side portion, defines a reinforcing large diameter part (Figures 1 and 2). This large diameter is presented to provide strength and endurance to the striker (Page 1 Line 12, Mark reference).

At the instant, one of ordinary skill in the art having a striker as described by Ichinose would consider the teachings of a reinforcing large diameter at the rear part of the leg parts, as taught by Mark, in order to provide strength and endurance to the striker. Mark also teaches that by increasing the size of the rear leg part, one would not have to increase the latch mechanism and the bolt. Hence, a stronger overall latch mechanism



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can be obtained without an increase in cost, material, and a need to accommodate a larger mechanism in the vehicle body (Page 4 Lines 1-4, Mark reference).

Second, the rejection made by the examiner was in view of Ichinose, as modified by Mark and Hamada.

Ichinose discloses that the first and second leg parts have the same shape; that the first and second leg parts are perpendicular to the plane of its metal base; and that the latch is capable of having a recess that engages the front part side of the leg part.

Hamada and Mark are only used to show that it is well known in the art to provide a latch with a recess that accept a striker, and that a striker is capable of being provided with larger diameter rear parts in order to provide strength to the striker.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

***Conclusion***

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

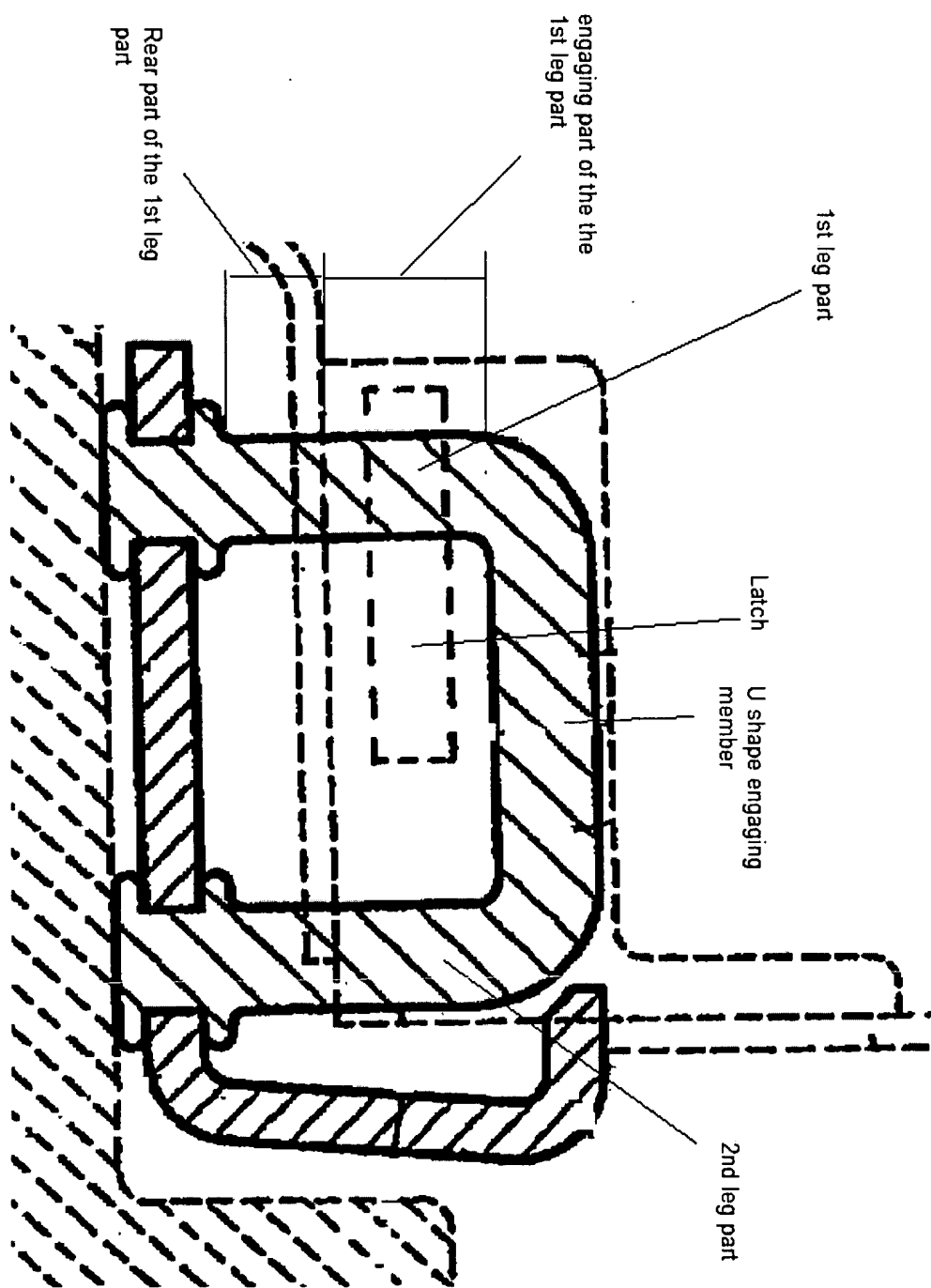
Carlos Lugo *CL*  
Patent Examiner  
AU 3676

  
BRIAN E. GLESSNER  
SUPERVISORY PATENT EXAMINER

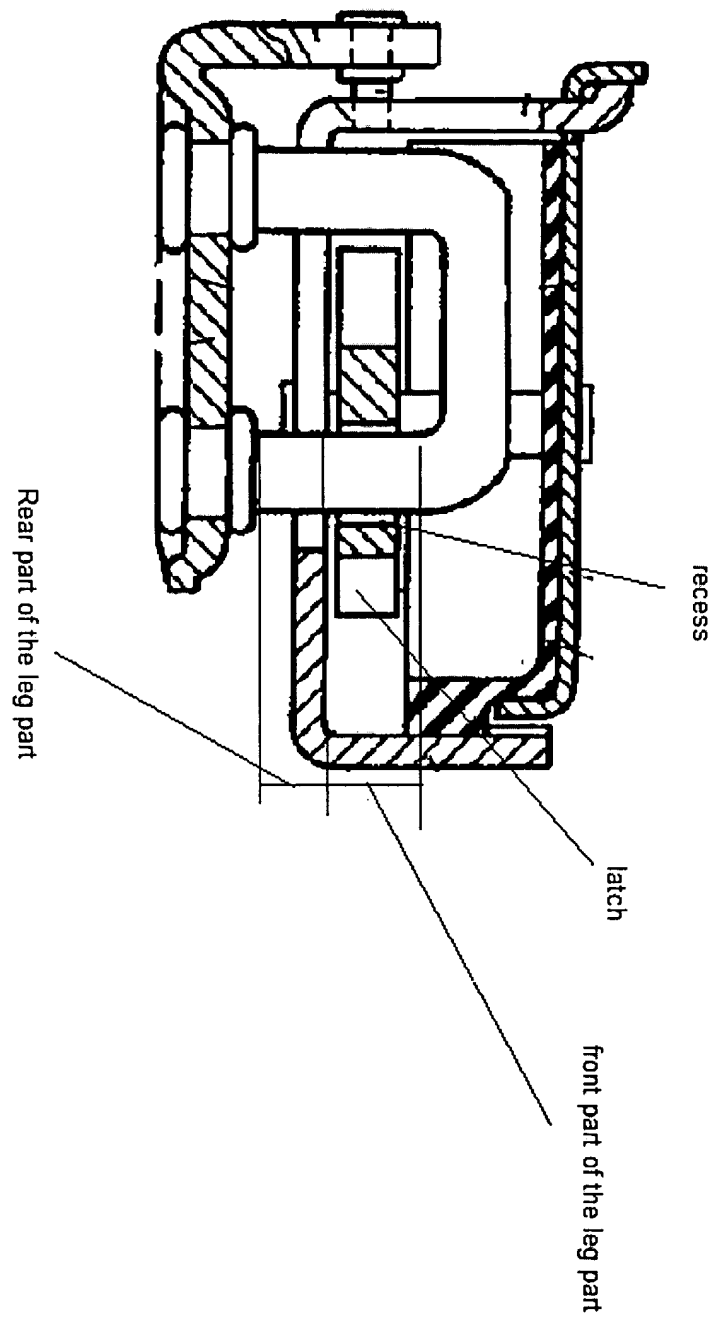
Conferees:

Brian Glessner *BG*

Daniel Stodola *DS*



Attachment #1



Attachment #2